

REMARKS

By this amendment, claims 1-5 and 7-32 are pending, in which claim 6 was previously canceled without prejudice or disclaimer, no claims are withdrawn from consideration, claims 1, 7-9, 19, and 20 are currently amended, and no claims are newly presented. No new matter is introduced.

The Final Office Action mailed October 2, 2009 rejected claims 1-5, 7-9, 19-23, and 25 under 35 U.S.C. § 102(b) as anticipated by *Lindqvist et al.* (US 2003/0088778) and claims 10-16, 18, 24, and 26-32 as obvious under 35 U.S.C. § 103(a) based on *Lindqvist et al.* (US 2003/0088778) in view of *Urdang* (US 2004/0078811).

The rejection of claims 1-5, 7-9, 19-23, and 25 under 35 U.S.C. § 102(b) is traversed.

In response to Applicants' earlier argument that *Lindqvist et al.* could not anticipate the subject matter of claims 1-5, 7-9, 19-23, and 25 because the claims recited supplemental data specific to the datacast operator, the Examiner cited the "unique identifier" of *Lindqvist et al.*, showing a user when content will be distributed. The Examiner took an unreasonably broad view of "supplementary data," in Applicants' view, to include using an identifier to show the user when the content will be distributed.

In order to advance prosecution and reduce issues for potential appeal, independent claims 1, 7-9, 19, and 20 have now been clarified to recite "**selectively** providing, by a datacast operator, **supplementary data which is specific to the area served by the datacast operator,**" or the like. Thus, rather than recite merely that the supplementary data is specific to the datacast operator, the claims now all recite that the supplemental data is specific to the **area** served by the datacast operator. This is supported, for example, by the disclosure at lines 10-15 of page 7 of the specification, and Figures 1 and 2 of the disclosure.

Lindqvist et al. is clearly devoid of any teaching that supplementary data is selectively provided by a datacast operator and that the supplementary data is specific to the “area served by the datacast operator.”

Accordingly, the claims are clearly in condition for allowance and the Examiner is respectfully requested to withdraw the rejection of claims 1-5, 7-9, 19-23, and 25 under 35 U.S.C. § 102(b).

The rejection of claims 10-16, 18, 24, and 26-32 under 35 U.S.C. § 103(a) is traversed.

Urdang, applied for an alleged teaching of using a program identification code to locate corresponding EPG data, fails to provide for the deficiency of *Lindqvist et al.* as *Urdang* also fails to disclose or suggest “**selectively** providing, by a datacast_operator, **supplementary data which is specific to the area served by the datacast operator.**” Thus, no *prima facie* case of obviousness has been established with regard to the subject matter of claims 10-16, 18, 24, and 26-32.

Accordingly, the claims are clearly in condition for allowance and the Examiner is respectfully requested to withdraw the rejection of claims 10-16, 18, 24, and 26-32 under 35 U.S.C. § 103(a).

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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